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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Fourteenth periodic report of States parties due in 1997

Addendum

IRAQ*

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* This document contains the fourteenth periodic report, due on 13 February 1997. For the eleventh, twelfth and thirteenth periodic report of the Republic of Iraq, submitted in one document and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/281/Add.3 and CERD/C/SR.1203-1204, CERD/C/SR.1230-1231.

The annexes to the report submitted by the Government of Iraq may be consulted in the Secretariat's files.

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Introduction

1. Iraq acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in January 1970 and has diligently submitted its periodic reports thereon, the most recent being the present fourteenth report. The delay in the submission of Iraq's three previous reports was attributable to the well-known circumstances brought about by the armed military aggression against Iraq in January 1991 and the economic embargo to which it has been subjected since August 1990.

2. This fourteenth periodic report contains a review of Iraq's implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as Iraq's reply to observations and recommendations made by members of the Committee on the Elimination of Racial Discrimination at its fiftieth session.

3. This fourteenth report supplements the information contained in the eleventh, twelfth and thirteenth periodic reports, since it includes new sections and replies to the questions raised by the Committee in the two above-mentioned documents.

4. The report contains three annexes:

Annex I: Concerning Iraq's political, economic and geographical structure in response to the Committee's request contained in paragraph 30 of the recommendations made at its fiftieth session.

Annex II: A review of the impact of the economic embargo on the Iraqi people.

Annex III: A brief account of the principal development projects that the Government of Iraq has implemented in the Autonomous Region since 1970.

5. During the preparation of the present report, due regard was shown for the Committee's guidelines set forth in document CERD/C/70/Rev.3 of 23 July 1993.

6. The Government of the Republic of Iraq appreciates the fact that, in its above-mentioned concluding recommendations, the Committee on the Elimination of Racial Discrimination included a paragraph on the highly devastating effects of the economic embargo on the Iraqi people, which it described as a serious violation of human rights, and hopes that the distinguished Committee will continue its endeavours, within the framework of its activities, to secure the full and final lifting of the iniquitous economic embargo that has been imposed on the Iraqi people.

I. INFORMATION ON THE IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

A. Implementation of article 2

7. All types of ethnic groups and minorities have coexisted in Iraq in a peaceful and tranquil manner since ancient times and this coexistence has led to cultural and religious interaction the effects of which can still be seen

in the country today. The rights of ethnic groups and minorities were embodied in the legislation after Iraq achieved its political independence in 1921 and the laws and regulations that were promulgated, such as those governing education, employment, appointment to government posts, freedom of movement and travel, etc., treated all citizens on an equal footing and prohibited the practice of any form of racial discrimination. In the early 1970s, in the light of the political, economic and social developments that were taking place throughout the world, the laws and regulations were updated through the Legal System Reform Act No. 35 of 1977 in a manner consistent with those developments and effective solutions and approaches were devised for a number of outstanding problems that subsequently arose. In particular, national laws and legislation recognized the legitimate rights of the Kurdish and other minorities. These measures were in keeping with the essence of article 2, paragraph 1, of the Convention under review and also with article 2, paragraph A.3, of the Committee's guidelines contained in document CERD/C/70/Rev.3.

8. The Iraqi Constitution of 1970 confirmed these principles, as illustrated by article 10 which designated social solidarity as the main basis of society.

9. Furthermore, in response to the provisions of article 2, paragraphs 1 (a), (b) and (d), of the Convention, legislative texts were incorporated in the Penal Code (Act No. 111 of 1969), as amended, in order to punish acts of racial discrimination regardless of whether they were committed by individuals or by public or private bodies corporate. In particular, article 200 of the Code stipulated that it was a punishable offence for anyone to seek to ensure the predominance of one social class over another, to seek to eliminate a social class, to promote or propagate confessional or intercommunal bigotry or to incite feelings of hatred or animosity among the population of Iraq. For further information in this regard, reference can be made to Iraq's eleventh, twelfth and thirteenth periodic reports contained in document CERD/C/240/Add.3.

10. Iraq's present and previous above-mentioned reports give an ample account of the achievements made in regard to the elimination of all manifestations of racial discrimination against ethnic groups and minorities and the consolidation of national unity among all sections of the people. In addition to the references made to the relevant legal texts, we have deemed it appropriate to attach to this report, for the first time, an annex containing a summary of the socio-economic and cultural development projects that have been implemented for the benefit of the Kurdish minority in the Autonomous Region in accordance with the requirements of article 2, paragraph 2, of the Convention and article 2, paragraph B, of the above-mentioned document CERD/C/70/Rev.3.

B. Implementation of article 3

11. In its struggle against racism, Iraq has focused on the condemnation of all forms of racial discrimination and has emphasized the principle of non-discrimination as an imperative rule of international law the violation of which constitutes an international offence. Accordingly, Iraq has acceded to the international instruments and conventions concerning the elimination of

racial discrimination, including the International Convention on the Suppression and Punishment of the Crime of Apartheid the provisions of which have become part of Iraq's domestic legislation and, as such, can be invoked before the national tribunals.

12. In the field of foreign policy, Iraq is cooperating with the international community in its endeavours to combat racial discrimination and segregation and has supported the United Nations resolutions and other international endeavours to that end, particularly those concerning dealings with the racist regimes in Rhodesia and South Africa. In fact, Iraq refused to establish political, economic and cultural relations with those regimes and supported the resolutions that the international community adopted against them. Iraq has also acceded to numerous relevant international instruments and conventions, including:

The Charter of the United Nations, Articles 1 and 55 of which affirm the need for respect for the principle of equal rights and self-determination of peoples and respect for human rights without any distinction as to race, sex, language or religion.

The Universal Declaration of Human Rights.

The International Covenant on Civil and Political Rights.

The International Covenant on Economic, Social and Cultural Rights.

The Discrimination (Employment and Occupation) Convention.

The Convention on the Rights of the Child.

The Convention on the Elimination of All Forms of Discrimination against Women.

13. At the domestic level, Iraq's national legislation prescribes penalties for the dissemination of racist propaganda by individuals or bodies corporate, including State institutions, public authorities and the information media. For the texts of this legislation, reference can be made to paragraph 36 of Iraq's above-mentioned previous report.

C. Implementation of article 4

14. Iraq re-emphasizes that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination have become part of its domestic legislation and, consequently, can be invoked before its national tribunals. Under Iraqi legislation, racist practices are punishable offences. Reference can be made to the Penal Code which contains a number of provisions in this regard (see para. 36 of the previous report).

15. The Iraqi laws in force prohibit the establishment of any association, organization or body advocating the incitement of ethnic or intercommunal bigotry and the propagation of feelings of hatred among sections of the people with a view to undermining national unity. It is a criminal offence to establish such illegal organizations and parties, as indicated in article 204

of the Penal Code which stipulates that: "Anyone in Iraq who establishes or joins an association, a body or an organization seeking to promote or propagate confessional bigotry, incite intercommunal conflict or provoke feelings of hatred and animosity among the population of Iraq shall be liable to a penalty of up to 15 years' imprisonment and a fine of up to 2,000 dinars".

16. Believing in the need to recognize the legitimate rights of ethnic groups and minorities, Iraq acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on 14 January 1970 and subsequently promulgated Act No. 36 of 1974, under which the Kurdish minority was granted autonomy, and Act No. 251 of 1974 which recognized the cultural rights of Syriac-speaking citizens. This pioneering legislation, which basically expressed Iraq's determination to recognize the legitimate rights of its ethnic groups and minorities, was also in keeping with Iraq's obligations towards them in accordance with the requirements of article 4 of the Convention and article 4, paragraph B, of document CERD/C/70/Rev.3.

17. As required by article 4, paragraph C, of the above-mentioned document, reference was made in paragraph 36 of Iraq's previous periodic report to the provisions of the penal law, as contained in the Iraqi Penal Code, concerning the offences of racial discrimination and segregation.

D. Implementation of article 5

18. The Iraqi Constitution of 1970 guarantees the right of all citizens to equality, since article 19 stipulates that citizens are equal before the law, without distinction on grounds of sex, race, language, social origin or religion. Article 63, paragraph (b), further stipulates that all citizens have a guaranteed right to seek legal remedy. In this way, Iraqi legislation upholds the principle of non-discrimination before the tribunals.

19. With regard to the implementation of paragraphs (b), (c), (d), (e) and (f) of article 5 of the Convention, reference can be made to Iraq's previous periodic report contained in document CERD/C/240/Add.3, paragraphs 38-63 of which cover these matters. Iraq's fourth periodic report on civil and political rights, contained in document CCPR/C/103/Add.2 of 28 November 1996, and Iraq's third periodic report on economic, social and cultural rights, contained in document E/1994/104/Add.9 of 6 March 1996, also provide additional information concerning the application of the principle of equality and non-discrimination among citizens in regard to the exercise of their civil, political, economic, social and cultural rights.

E. Implementation of article 6

20. Paragraphs 27, 28, 29 and 30 of Iraq's eleventh, twelfth and thirteenth periodic reports cover the State's legislation prohibiting racial discrimination and segregation and recognizing the legitimate rights of minorities.

21. Paragraphs 65, 66 and 67 of the above-mentioned combined report cover the measures that the State has taken to protect individuals from acts involving racial discrimination.

22. In response to the requirements of article 6, paragraph B, of the Committee's document CERD/C/70/Rev.3, we wish to emphasize that any citizen can apply to the national tribunals to uphold his rights if he is subjected to practices involving racial discrimination against him, regardless of the identity of the offender. The victim can also request the competent tribunals to award compensation, under the terms of article 10 of the Code of Criminal Procedure, in respect of the material damage suffered.

F. Implementation of article 7

23. In the introduction to the present report, it was emphasized that the contents of the report concerning Iraq's fulfilment of its obligations under the Convention in question supplement the contents of the eleventh, twelfth and thirteenth periodic reports and include Iraq's replies to the questions raised by the Committee on the Elimination of Racial Discrimination at its fiftieth and fifty-first sessions. The present report also deals with further aspects that were either not addressed or addressed only in a brief and inadequate manner in the previous report.

24. Paragraphs 68-76 of the previous report covered the requirements for the implementation of article 7 of the Convention. For further information, reference can be made to Iraq's above-mentioned third periodic report on economic, social and cultural rights.

The role of the information media

25. With regard to paragraph (c) of the guidelines on article 7, it should be noted that the Kurdish, Turkoman and Syriac-speaking minorities enjoy the right to use the information media (radio, television, newspapers and magazines) and to organize conferences and festivals, etc. Further reference to this right will also be found below in this report.

26. The official information media are endeavouring to stimulate greater awareness of human rights and to promote national unity, brotherhood and harmonious relations between the various ethnic groups and religious communities. Every year, Iraq celebrates the anniversary of the Universal Declaration of Human Rights and its information media broadcast programmes to commemorate that event. It is also noteworthy that the Human Rights Association in Iraq, which is a non-governmental organization, publishes a periodical newspaper entitled "Human Rights".

27. The Statutes of the Ministry of Culture and Information, promulgated in Act No. 94 of 1981, stipulate that the aims of the Ministry include the revival of Arab and Islamic culture, promotion of public awareness of its values and achievements, affirmation of its interaction with other human cultures and endeavours to combat colonialist and racist tendencies in the cultural and artistic fields. Iraq also stresses the need to revive the popular cultural heritage of all its ethnic minorities since this forms part of the country's national heritage.

28. As already indicated, under Iraq's national legislation it is a punishable offence to disseminate any racist ideology conducive to the promotion of intercommunal bigotry. This approach is consistent with the

UNESCO Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War.

II. REPLY OF THE GOVERNMENT OF IRAQ TO OBSERVATIONS MADE BY MEMBERS OF THE COMMITTEE AT ITS FIFTIETH SESSION

A. General

29. The Government of the Republic of Iraq wishes to assure the distinguished Committee on the Elimination of Racial Discrimination that it is eager to safeguard the rights of its people, including all its ethnic groups and minorities, and that the exemplary achievements that have been made in regard to the protection of minorities reflect Iraq's firm and unshakeable belief in the need to ensure that the members of minorities enjoy their legitimate rights that are embodied in divinely-revealed values and regulated by secular codes of law based primarily on the principles of equality and respect for human rights without any discrimination. In fact, Iraq's diligent endeavours to fulfil its obligations in regard to the international instruments relating to human rights, including the International Convention on the Elimination of All Forms of Racial Discrimination, are an indication of the care that it is taking to deal with the question of minorities and their legitimate rights in a humanitarian and civilized manner.

30. The aspect that should give rise to real anxiety is the tragic situation of the Iraqi people, including their ethnic groups and minorities, due to the ongoing unjust economic embargo which has been imposed on them since August 1990 and which led to the deaths of more than 1 million persons, including 890,620 children, up to the month of September 1997.

31. The Government of Iraq categorically refutes the allegation that it has forcibly expelled non-Arab ethnic groups and requests the Committee to provide it with the factual evidence substantiating that allegation. In this connection, we wish to draw the Committee's attention to the well-known fact that, since the events of March 1991, the Northern Region has lain outside the control of the State's Central Administration and the responsibility for any acts of sabotage or displacement of Kurdish families must be borne by the belligerent Kurdish factions whose armed conflicts have disrupted security in that region and induced many Kurdish families to abandon their homes and seek peaceful areas in which to live, including areas under the control of the governmental authorities.

32. The repeated Turkish incursions into the Northern Region, the most recent of which took place in May 1997, forced thousands of innocent Kurdish citizens to leave their villages, abandon their homes and seek refuge in safer areas after the Turkish forces used various heavy weapons and aircraft to bombard many Kurdish villages in northern Iraq, where they also committed acts of murder and robbery and detained many Kurdish citizens.

33. The Government of the Republic of Iraq wishes to re-emphasize that, since March 1991, the Autonomous Region has been controlled by armed Kurdish factions supported by the United States of America and other countries.

Accordingly, responsibility for the acts of violence that take place there must be borne by those factions and their supporters since, in the absence of the State's Central Administration, the Autonomous Region is in a state of anarchy and instability and has frequently been subjected to direct military intervention by neighbouring States the victims of which have invariably been Kurdish civilians.

34. The Iraqi Constitution of 1970 guarantees the right of all citizens to own private property. Article 16 of the Constitution stipulates that: "Private ownership of property and the economic freedom of the individual shall constitute rights guaranteed within the limits of the law, provided that they are not exercised in a manner incompatible with or detrimental to public economic planning. Private property shall not be expropriated unless the public interest so requires, in which case equitable compensation shall be paid in accordance with the legally prescribed procedures and judicial guarantees that ensure compensation".

35. All citizens have a guaranteed right to own real estate without discrimination on grounds of sex, religion or ethnic or social origin. However, the acquisition of such property is regulated in some of the larger cities, such as Baghdad, due to the exigencies of development planning.

36. There is no legal provision in force under which the land registration departments impose restrictions on the acquisition or sale of real estate by Kurds, Turkomans, Assyrians or any other minority in Iraq, nor is there any legislation or actual practice that obliges an Iraqi Turkoman to sell his real estate to an Iraqi Arab. In fact, all Iraqis are subject to the same legal regulations concerning real estate transactions. However, there are some administrative requirements that must be met before real estate can be registered in the name of the purchaser. In the governorate of Baghdad, for example, ownership of property within the boundaries of the governorate can be acquired only by citizens who were registered there in the 1957 census. The purpose of this restriction is to curb the increasing rate of migration to Baghdad from rural areas and towns in other governorates. In governorates other than Baghdad, including the northern governorates, there are no restrictions on residence and ownership of property there is not subject to any ethnic considerations since residence is regulated only by administrative procedures.

37. The ration card system under which food and medicine have been distributed since 1991 applies to all Iraqis without discrimination and the Government of Iraq allocates the supply quotas equitably to all the governorates, including the northern governorates. However, it has sometimes proved difficult to ensure that these supplies reach the persons entitled thereto in the Autonomous Region since the quotas destined for citizens of Kurdistan are received by the groups in control of that region who either steal them, smuggle them to neighbouring States or sell them to citizens at inflated prices. For example, those groups have admitted, through their information media, that Sadiq Badi, the director of the branch of the General Food Trading Company in the governorate of Dohuk, who also occupied the post of deputy head of the Security Committee established by the parties controlling the region, had stolen supplies sent by the State to the Kurdish people and had sold them at inflated prices on local markets.

38. The Northern Region (Iraqi Kurdistan) finds itself in a state of anarchy and instability due to the absence of the State's Central Authority and Iraq's international borders with neighbouring States, particularly Iran, are open, thereby facilitating the illicit import or export of any goods. The armed groups in control of the region have dismantled entire factories and sold them to Iran. Moreover, investigations conducted by the competent Iraqi authorities have shown that, in many cases in which vehicles, machinery, equipment and raw materials had been stolen in various parts of the country, most of the stolen items were smuggled, together with gold and hard currency, to Iran where they were sold at attractive prices. Consequently, in order to ensure that citizens in other parts of the country are not deprived of their few remaining essential means of subsistence that have survived the unjust economic embargo imposed on Iraq, checkpoints have been established on the approaches to the roads leading to and from the Autonomous Region.

39. Under the terms of the Memorandum of Jnderstanding concluded between the Government of Iraq and the Secretariat of the United Nations, concerning the implementation of Security Council resolution 986 (1995), which was published in Security Council document S/1996/356 of 20 May 1996, the United Nations Development Programme is responsible for the distribution of humanitarian supplies in the governorates of Arbil, Dohuk and Sulaimaniya on behalf of the Iraqi Government in accordance with the distribution plan and in a manner that shows due regard for the sovereignty and territorial integrity of Iraq.

40. With regard to the interruption of the electricity supply to the Northern Region, we wish to state as follows.

41. Many electric power plants, including those at Dora, Baiji, Nasiriya and Basra, were destroyed as a result of the aerial and missile bombardment during the military aggression against Iraq in January and February 1991. This reduced their power generation capacity and led to the interruption of the electricity supply for varying periods of time in all parts of the country, including Baghdad.

42. Iraq's electricity supply system is currently suffering from a large reduction in the generation capacity of the operational power plants due to the lack of the equipment and spare parts needed for their maintenance. Although an amount of US$ 36 million was allocated in the Memorandum of Understanding for the purchase of equipment and spare parts, this represents only a small proportion of the total amount of almost US$ 368 million needed to restore the electricity supply network to its former capacities.

43. Of the 76 contracts that the Iraqi side submitted to the Committee established under the terms of Security Council resolution 661 (1990) for the purchase of spare parts and equipment for electric power generation, by 27 September 1997 the Committee had approved 58, rejected 12 and suspended 6.

44. In addition to the above, subversive and other groups that infiltrated across Iraq's international borders into the Autonomous Region dismantled many facilities and removed electricity pylons which they smuggled to neighbouring

States for financial gain and in order to cause further damage to the national economy. This happened, for example, at the Bakhma Dam depot which contained equipment valued at about $750 million.

45. The first plans for the development of the marsh region in southern Iraq were made in 1954 when United States and other Western companies submitted studies on the development and improved utilization of water resources and the implementation of projects that would yield various benefits by draining agricultural land, lowering the level of saline aquifers, restoring the fertility of land, increasing its productivity and halting the phenomenon of desertification, etc. Plans for the development of water resources began to be implemented in the 1970s when a number of dams and reservoirs were constructed and channels were excavated for rivers and streams, including the Third River and the Saddam River.

46. Those achievements, the aim of which was to ensure the proper management of water and land, will have a positive effect in improving the region's environment and those projects will also make it easier to provide the population with the necessary services and improve their health, social and economic conditions.

47. The development projects that have been carried out in the marsh region will help to improve and protect the environment and will not endanger it, as assumed by the Committee in the above-mentioned paragraphs, since these projects will help to ensure the following:

(a) The drainage of saline water from agricultural land, thereby increasing the area of arable land and developing and improving animal husbandry;

(b) Maintenance of the high quality of Tigris and Euphrates water in order to ensure its suitability for phased industrial and agricultural development;

(c) Sand dune stabilization in areas through which rivers pass;

(d) Prevention or alleviation of the floods that occur in the country;

(e) Improvement of the living conditions of peasant families in the region and an increase in their income derived from the exploitation of the land that has been distributed among them;

(f) Development of education through the opening of schools and health centres and the provision of other services at suitable residential locations.

48. The area of agricultural land distributed among peasant families living in the governorates of Basra, Misan, Dhi Qar, Muthanna and Qadisiya by the year 1995 amounted to 1,152,849 dunums, of which 52 per cent were in the governorate of Basra and 27 per cent in the governorate of Dhi Qar. An area of 79,900 dunums is scheduled to be cultivated by the 42,133 peasant families among whom land has been distributed in the above-mentioned governorates.

49. We wish to remind the distinguished Committee that Iraq is the target of a campaign engineered by the United States of America with a view to halting the development process in this region in order to keep it backward and hamper Iraq's endeavours to secure alternative sources of food supplies and ensure a decent life for its citizens in spite of the circumstances of the comprehensive embargo that has been imposed on it since August 1990.

50. Hence, the Government of Iraq is well aware of its international obligations and the development projects that it is implementing in the central and southern parts of the country fall within the scope of Iraq's right to exercise sovereignty over its natural resources, this being a right recognized in the provisions of international instruments such as article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, article 1 of the International Covenant on Civil and Political Rights and article 1 of the Declaration on the Right to Development.

51. We wish to reiterate that, under the provisions of articles 200-204 of the Iraqi Penal Code, it is a punishable offence for anyone to seek to ensure the predominance of one social class over another, to seek to eliminate a social class, to promote or propagate confessional or intercommunal bigotry or to incite feelings of hatred or animosity among the population of Iraq. Accordingly, the act of racial discrimination to which the Committee referred in the above-mentioned paragraph would constitute a criminal offence.

B. The Kurdish minority

52. The revolution of 17 July 1968 sought to consolidate and perpetuate the unity and cohesion of the Iraqi people. On 11 March 1970, a declaration was promulgated recognizing the ethnic, cultural and administrative rights of Kurdish citizens in the areas in which they constituted a majority, within the framework of the unity of the country, the land and the people, in order to finally settle the Kurdish question for which previous governments had been unable to find a substantive and final solution.

53. Reference must also be made to the fact that the Kurdish question has always been exploited by States hostile to Iraq in an attempt to undermine Iraq's national security. This question has nothing to do with any racial or ethnic discrimination against the Iraqi Kurds; it has been used solely as a pretext for interfering in Iraq's internal affairs and weakening its central authority even though the State has been able to establish a firm legal and democratic basis on which to address and meet the political demands of the Kurdish leaders. The situation of the Kurds in neighbouring States, where their ethnic and historical existence is being denied, should be borne in mind, together with the fact that some Western States which claim to be making major contributions in the field of human rights view such issues solely from the standpoint of their own economic and political interests.

54. In this connection, note should be taken of the considerable progress that the Iraqi Kurds have actually made, particularly through the Iraqi Kurdistan Regional Autonomy Act No. 33 of 1974, the Iraqi Kurdistan Regional Legislative Council Act No. 56 of 1980 and the stipulation, in article 5 of the Constitution, to the effect that the Kurds form part of the Iraqi people.

1. The Autonomy Act

55. Article 1 of Act No. 33 promulgated on 11 March 1974 stipulated that the Autonomous Region would be regarded as a separate administrative unit endowed with distinct personality within the framework of the legal, political and economic unity of the Republic of Iraq, its administrative centre being in the city of Arbil. Article 2 further stipulated that Kurdish would be an official language, in addition to Arabic, in the region of Kurdistan and that Arabic and Kurdish would be the languages of education for Kurds in the region, Arabic being taught from the fourth primary grade and at all subsequent stages of education and Kurdish being taught as a compulsory subject. All residents of the region would have the right to choose the schools in which they wished to be taught, regardless of their mother tongue.

56. Article 3 stipulated that the rights and freedoms of Arabs and members of minority groups in the region would be safeguarded in accordance with the provisions of the Constitution, the law and the decrees promulgated in connection therewith. The autonomous administration would be under an obligation to guarantee the exercise of those rights and freedoms. Article 4 indicated that the judiciary would be independent and subject to no authority other than the law, its institutions in the region of Kurdistan forming an integral part of the judicial system of the Republic of Iraq.

57. Articles 5-9 of the Act dealt with the financial structure of the region, which was designated as an independent financial unit within the overall financial unit of the State. It would have its own budget, which would be prepared, drafted and approved in accordance with the principles and guidelines laid down in the regulations in force.

58. The Kurdistan regional budget would consist of the following:

(a) The region's regular budget;

(b) The budgets of the councils of the administrative units;

(c) The budgets of the municipal councils;

(d) The amounts allocated in the annual plan.

59. The region's budgetary resources would consist of the following:

(a) Locally generated resources, consisting of:

(i) Municipal and local administrative income, as provided for by the laws in force;

(ii) Administrative and financial charges levied by the autonomous departments, institutions and agencies in respect of sales and services;

(iii) The stipulated share of the profits of the agencies and institutions covered by the region's budget;

(iv) Basic and value-added real estate tax in the region;

(v) The tax on agricultural land and the proportion of crop yields allocated to agrarian reform in the region;

(vi) The tax on unbuilt landed property in the region;

(vii) The tax on legacies;

(viii) The fees prescribed under the legislation governing real estate registration fees;

(ix) Court fees and fines;

(x) Fiscal stamp duty;

(xi) Fees in respect of the registration and change of ownership of vehicles;

(b) Amounts allocated in the regular budget of the State and in the annual investment programme of the National Development Plan to cover the region's budgetary expenditure with a view to ensuring its development in a manner commensurate with that of all other regions of the Republic of Iraq.

60. The Autonomy Act also guaranteed the cultural and social rights of the Kurds, the exercise of which is illustrated by the following:

(a) Establishment of the Kurdish Cultural and Publishing House;

(b) Establishment of the Kurdish Scientific Academy;

(c) Freedom of the press is enjoyed at the local and national levels. This also applies to the Al-Iraq newspaper;

(d) The radio and television stations in the Autonomous Region (at Arbil, Dohuk and Sulaimaniya) broadcast their programmes in the Kurdish language;

(e) The Autonomous Region is covered by the development projects incorporated in the national development plans through which considerable achievements have been made in the industrial, agricultural, health, cultural and other sectors throughout the region, thereby providing employment opportunities for its population (see the annex on the development projects in the region of Kurdistan which is attached to this report).

61. Articles 16-19 of the Autonomy Act regulated the relationship between the Central Authority and the Autonomous Administration.

2. The Legislative Council of the Autonomous Region

62. Articles 10-12 of the Autonomy Act made provision for the establishment of the Legislative Council of the Autonomous Region, which the Act designated as the highest elected legislative body in the region. A subsequent Act,

known as the Legislative Council of the Autonomous Region of Kurdistan Act No. 56 of 1980 (which superseded Act No. 36 of 1974) regulated the composition and membership of the Council, as well as the immunities and emoluments of its members, the conditions to be met by electors and candidates and the procedure to be followed by persons wishing to stand as candidates for membership of the Council. It also specified the electoral districts and the election schedule.

63. In accordance with article 10 (a) of the Autonomy Act, the Legislative Council elects a president, a vice-president and a secretary from among its members and takes decisions by a majority vote among the members present unless otherwise stipulated in the Autonomy Act or the Legislative Council Act.

64. The Legislative Council exercises the following powers within the limits of the Constitution and the laws:

(a) Establishment of its rules of procedure;

(b) Adoption of the legislative decisions needed to develop the region and improve its local social, cultural, development and economic facilities within the limits of the general policy of the State;

(c) Adoption of legislative decisions concerning the development of the ethnic culture, particularities and traditions of the region's residents;

(d) Adoption of legislative decisions concerning semi-official departments and institutions and agencies of a local nature, in consultation with the central bodies concerned;

(e) Approval of detailed planning proposals prepared by the Executive Council in connection with socio-economic affairs, development projects, education, health and employment in accordance with the requirements of general central planning in the State, and their submission to the competent central authorities for a final decision thereon;

(f) Ratification of the region's regular budgets after they have been approved by the Executive Council, and their submission to the central authorities for a final decision thereon;

(g) Amendment of the region's regular budget after its approval. Such amendments must remain within the limits of the appropriations made and of the purposes for which they have been allocated and must not conflict with the laws in force;

(h) Holding discussions with members of the Executive Council, and calling them to account, on matters falling within their jurisdiction;

(i) Introducing motions for the withdrawal of confidence in the Executive Council or in one or more of its members, who are discharged from their posts in the event of withdrawal of confidence. Decisions to withdraw confidence are taken by a majority vote among the members of the Legislative Council.

65. In this way, under the terms of Act No. 56 of 1980, the Legislative Council of the Autonomous Region became a local parliament consisting of 50 members chosen by the population of the Autonomous Region in free and direct elections. Its president is an ex-officio member of the Council of Ministers and holds ministerial rank in the Iraqi State.

3. The Executive Council of the Autonomous Region

66. Article 13 of the Autonomy Act regulates the composition and administrative activities of the Executive Council of the Autonomous Region of Kurdistan, which consists of a president, a vice-president and a number of members corresponding to the number of autonomous departments mentioned in article 14, or exceeding that number by two members.

67. The President of the Republic appoints a member of the Legislative Council to form and preside over the Executive Council. The appointed president chooses the members of the Executive Council, as well as a vice-president, from among the members of the Legislative Council, or from among persons meeting the conditions for membership thereof, and applies to the Legislative Council for a vote of confidence. If he wins such confidence through a majority vote among the members of the Legislative Council, the formation of the Executive Council is announced in a Presidential Decree. If the post of vice-president or any seat on the Executive Council falls vacant, its president nominates a person meeting the conditions of membership to fill the vacant post and a Presidential Decree is promulgated appointing the nominee after he has won the confidence of the Legislative Council by a majority vote among its members.

68. The president and members of the Executive Council hold ministerial rank and the governorates of the Autonomous Region report to the president of the Executive Council, who is the supreme executive head of the region's autonomous departments and their agencies.

69. The Executive Council comprises the following nine departments, each of which is headed by a secretary-general holding ministerial rank:

(a) The Department of Internal Affairs;

(b) The Department of Education and Higher Education;

(c) The Department of Public Works and Housing;

(d) The Department of Agriculture and Agrarian Reform;

(e) The Department of Culture and Youth;

(f) The Department of Municipalities and Summer Resorts;

(g) The Department of Social Affairs;

(h) The Department of Economic and Financial Affairs;

(i) The Department of Awqaf (Religious Endowment) Affairs.

70. The Executive Council exercises the following powers:

(a) Enforcement of laws and regulations;

(b) Enforcement of court orders;

(c) Administration of justice, preservation of public order and security and protection of local and national public utilities and State assets in accordance with the provisions of the Act;

(d) Promulgation of the directives needed to ensure the implementation of the provisions of local legislative decisions;

(e) Preparation of detailed draft plans concerning socio-economic affairs, development projects, education, health and employment, in accordance with the requirements of general central planning in the State, and their submission to the Legislative Council for approval;

(f) Supervision of local public utilities and institutions in the region;

(g) Appointment of civil servants in the Autonomous Region wherever such appointment does not require a Presidential Decree or approval by the President of the Republic in accordance with the legislation concerning the staffing of the Civil Service. In the administrative divisions in which the majority of the population is Kurdish, these civil servants must be Kurds or fluent in the Kurdish language in accordance with the provisions of article 2 of the above-mentioned Autonomy Act;

(h) Administration of the region's regular budget in accordance with the regulations and procedures applied in the State's accounting system;

(i) Preparation of an annual report on the situation in the region, for submission to the President of the Republic and the Legislative Council;

(j) Preparation of the region's draft regular budgetary estimates for submission to the Legislative Council.

71. The implementation of the Autonomy Act in Iraq constitutes a national achievement for the Iraqi Kurds, as well as a radical solution to the Kurdish problem, at a time when the Kurds in other States of the region are yearning for such an achievement. However, the continuation of this achievement is being gravely endangered by the foreign military intervention and the control that armed Kurdish factions are exercising over the region of Iraqi Kurdistan.

C. The human rights situation in Iraqi Kurdistan

72. It is noteworthy that our Kurdish people and other minorities in the region of Kurdistan are evidently being subjected to violations of human rights at the hands of Kurdish groups and armed militias in the Northern Region. This fact is confirmed by a 140-page Amnesty International document entitled "Violations of Human Rights in Iraqi Kurdistan" which gives a detailed account of the violations committed by the Kurdish Administration,

consisting in the so-called "Council of Ministers", and the Kurdish political parties in the region. These violations include detentions, torture, ill-treatment, summary executions and murder. Amnesty International held the leaders of the Kurdish political parties, and particularly the two main parties (the Democratic Party of Kurdistan and the Patriotic Union of Kurdistan), responsible for those violations, as well as the violations committed by the Islamic movement in Kurdistan, to which thousands of Kurdish citizens in Kurdistan had fallen victim.

73. This situation has been further aggravated by the tragedies and sufferings inflicted on the Kurdish people by the repeated Turkish incursions into the Northern Region and the constant Iranian military interventions in support of some Kurdish militias.

D. The rights of other minorities

74. The Iraqi State has recognized not only the legitimate ethnic rights of the Kurds but also the rights of other minorities, such as the Turkomans and the various Syriac-speaking communities. This confirms the concern that the State is showing for their welfare, as well as the fact that it is pursuing a policy of non-discrimination in keeping with the principle of equality among all sections of the people. While diligently applying the principle of non-discrimination among citizens, which is a fundamental constitutional obligation towards minorities in keeping with the provisions of article 27 of the International Covenant on Civil and Political Rights, Iraq has also taken positive steps to enable the minorities to exercise their rights without any discrimination, as illustrated by the series of national legislative enactments in force in this regard which clearly show the approach that Iraq has adopted towards this issue.

75. In this connection, we wish to emphasize that, since it came to power in the country in July 1968, the Government of the Republic of Iraq has not disregarded the rights of minorities because it believes in the importance of preserving and protecting the ethnic particularities and traditions of minorities, the human heritage of which unquestionably forms part of Iraq's national heritage. Hence, emphasis has been placed on the development of the culture and literature of the country's minorities through the provision of the means needed for their advancement so that they can contribute to the country's development and the consolidation of its national unity. The fact that the minorities enjoy their rights will also strengthen the links of brotherhood and equality among citizens of differing ethnic origins on a firm democratic basis.

76. Decree No. 89 of 1970 recognizing the cultural rights of the Turkoman minority. On 24 January 1970, the Revolution Command Council decided to recognize the cultural rights of the Turkoman minority in the following manner:

(a) The Turkoman language was to be taught from the primary educational level;

(b) All the requisite teaching aids in the Turkoman language were to be made available at all the schools;

(c) A Directorate of Turkoman Studies was to be established at the Ministry of Education;

(d) Turkoman poets and writers were to be permitted to establish their own federation and were to be provided with assistance to enable them to print their works and enjoy opportunities to enhance their linguistic aptitudes and capabilities. This federation has been affiliated to the Federation of Iraqi Authors;

(e) A Directorate of Turkoman Culture was to be established under the supervision of the Ministry of Culture and Information;

(f) A weekly newspaper and a monthly magazine were to be published in the Turkoman language;

(g) The number of Turkoman programmes on Kirkuk television was to be increased.

77. Decree No. 251 of 1972 recognizing the cultural rights of Syriac-speakers. On 16 April 1972, the Revolution Command Council decided to recognize the cultural rights of Syriac-speaking citizens belonging to the Assyrian, Chaldean and East Syrian communities in the following manner:

(a) Syriac was to be the language of tuition at all primary schools in which the majority of pupils spoke that language. The Arabic language was also to be taught as a compulsory subject at those schools;

(b) Syriac was to be taught at intermediate and secondary schools in which the majority of pupils spoke that language. Arabic was to be the language of tuition at those schools;

(c) Syriac was to be taught, as a classical language, at the Faculty of Arts at Baghdad University;

(d) Special programmes in Syriac were to be broadcast on national radio and also by the two television stations transmitting from Kirkuk and Nineva;

(e) A monthly magazine in Syriac was to be published by the Ministry of Information;

(f) An Association of Syriac-Speaking Authors and Writers was to be established and represented in the country's literary and cultural federations and associations;

(g) Syriac-speaking authors, writers and translators were to be given financial and other assistance to print and publish their cultural and literary works;

(h) Syriac-speaking citizens were to be permitted to open cultural and artistic clubs and form folklore and theatrical troupes in order to revive and develop their heritage and folklore.

78. The ethnic minorities, who form part of the Iraqi people, exercise their full political, economic, social, cultural, educational and other rights. These rights are guaranteed in article 19 of the Constitution which stipulates that all Iraqis are equal before the law, without discrimination on grounds of sex, race, language, social origin or religion. The legislation that has been promulgated concerning the exercise by the minorities of their cultural rights is not confined to the exercise of their right to speak their language, this being only one of the rights referred to in paragraphs 7, 30, 31, 32, 73 and 74 of Iraq's eleventh, twelfth, and thirteenth periodic reports.

79. It should be clearly understood that all citizens of Iraq enjoy the same civil, political, economic, cultural, social, educational, health and other rights, the cultural rights granted to members of the Turkoman and Syriac-speaking communities being additional rights intended to preserve their cultural identity and their social traditions. Some practical aspects of the enjoyment of these rights are illustrated below:

1. The Turkoman minority

80. Turkoman authors and intellectuals established their own federation in 1970 and, when the Ministry of Culture and Information decided to amalgamate the literary federations and associations in a single federation known as the General Federation of Iraqi Authors and Writers, the Federation of Turkoman Authors was incorporated therein. It has a cultural office, known as the Turkoman Cultural Office, the Director of which is the Deputy Secretary-General for Turkoman Cultural Affairs, who is also a member of the Central and Executive Councils to which he is directly elected by all the Federation's member authors. The latter receive encouragement and support from the State to enable them to print their works. In accordance with the Welfare of Religious Communities Ordinance No. 32 of 1980, the State also caters for the welfare of Turkoman Muslim clerics in the same way as other Muslim religious leaders throughout the country, regardless of their ethnic origin. The Ministry of Awqaf and Religious Affairs is responsible for studying and meeting their needs.

81. The members of the Turkoman community engage in social and recreational activities and have their own clubs including, for example, the Turkoman Fraternity Club at Baghdad, which has branches at Mosul. In this connection, it is noteworthy that all the minorities and religious communities can attend and participate in all the sports clubs and cultural, literary and recreational associations run by the State or the private sector.

82. A Directorate of Turkoman Culture was established under the terms of the above-mentioned Act No. 89 of 1970 and was attached to the Ministry of Culture and Information where it engages in daily activities. For the last 27 years it has published a weekly newspaper in the Turkoman language. However, due to the shortage of paper resulting from the ongoing economic embargo on Iraq, this newspaper is now published only at the end of each month.

83. The Directorate publishes literary, cultural, linguistic, historical and political books and magazines, including the "Voice of the Federation" magazine which is issued by the Turkoman Cultural Office in the Arabic and Turkoman languages (Issue No. 53 appeared on 1 September 1997). Turkoman

books are still being printed, in spite of the harshness of the embargo, and the Directorate receives manuscripts of Turkoman books from Turkoman authors so that they can be printed at the expense of the Ministry of Information.

2. The Syriac-speaking community

84. The Syriac-speaking community also enjoys cultural and social rights in addition to the right to speak its own language. Its activities in the publishing field include:

"The Syriac Author" magazine, published by the General Federation of Iraqi Authors and Writers.

The "Christian Thought" magazine, published by the Dominican Fathers (Mar Toma) Church.

The "Orient" magazine, published by the Chaldean Patriarchate at Babylon.

The "Mesopotamia" magazine published by the Chaldean Archdiocese at Mosul.

The "Kala Suriyaya" magazine published by the Syriac-Speaking Cultural Association.

The "Horizon" bulletin, published by the Eastern Church.

"The Family" bulletin, published by the (Khurna) Beit Khadida Church of the East Syrian Catholic community.

85. The East Syrian community, comprising the Chaldeans, Assyrians, Armenians and East Syrians, has a number of social and sports clubs, of which the following are situated at Baghdad:

The Chaldean community

The Babylon Chaldean Club
The Sumer Family Club
The Ishtar Club
The Qadisiya Social Club
The Orient Club

The East Syrian community

The St. Katarina Nuns Association
The Dominican Sisters of Mercy Association
The Anwar Social Club
The East Syrian Orthodox Charitable Association
The Lady of Salvation Charitable Association

The Assyrian community

The Community Family Club
The Assyrian Family Club
The Assurbanipal Association

The Armenian community

The Armenian Sports Club
The Armenian Youth Association
The Armenian Women's Cultural Association

The provincial associations include the following:

In the governorate of Basra

The Association to Assist Needy Armenians
The East Syrian Orthodox Charitable Association
The Eastern Church Association
The Relief Association for Poor Christians
The Al-Rahma Chaldean Charitable Association
The Armenian Youth Association
The Al-Najat Charitable Association

In the governorate of Ta'mim

The Al-Rahma Chaldean Charitable Association
The Ihsan East Syrian Association
The Al-Rahma Assyrian Association

In the governorate of Nineva

The Chaldean Charitable Association.
The St. Katarina Nuns Association.
The East Syrian Catholic Charitable Association.

86. Syriac Radio broadcasts the following programmes for two hours everyday:

The "Religion and Life" programme
The "Figures and Letters" programme
The "Literature and Life" programme
The "Culture and Society" programme
The "Press Tape" programme
The "Leader and Society" programme
The News Bulletin
The "Happy Home" programme
The "Variety" programme
The "Health and Society" programme
The "Scientific Magazine" programme
The "Listeners' Requests" programme
Coverage of special events

87. Kirkuk television station broadcasts programmes in the Syriac language for 30 minutes everyday.

88. With regard to the exercise of religious rights, we wished to point out that Iraq has a constitutional obligation to respect the right of all religious communities to freedom of thought, conscience and belief, without any discrimination, as stipulated in article 18 of the International Covenant

on Civil and Political Rights and in preamblar paragraph 6 of resolution 36/55 adopted by the General Assembly of the United Nations on 25 November 1981 proclaiming the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and particularly article 1, paragraph 3, of that Declaration.

89. The State has assigned responsibility for the welfare of the Christian religious communities to the Ministry of Awqaf and Religious Affairs, which has established a Directorate for the Christian Religion. The activities undertaken in this regard include the following:

(a) Monasteries and academies specializing in religious studies, such as the Babylon College at Baghdad and the "Simon the Pure" Monastery, have been opened to train Chaldean monks;

(b) Students have been sent to study at religious academies and departments of universities throughout the world specializing in theology, ecclesiastical law and Bible studies and facilities have been provided for monks and priests to travel abroad in order to participate in international religious conferences and meetings. Bibles and copies of the Gospels are also being imported into Iraq;

(c) The Christian religion is taught at schools in which 50 per cent of the total number of students are Christian. At Baghdad, the schools include the Al-Budour Mixed School, the Jumhouriya Intermediate School for Girls and the Mas'oudi Secondary School for Boys;

(d) The assistance provided by the State for the renovation of monasteries and churches in the 1980s amounted to about 8 million dinars in addition to the assistance that the East Syrian community received from abroad.

90. The respect and regard that the State shows for the religious celebrations and holidays of the East Syrian community are illustrated by the fact that, under the regulations, members of those minorities can be granted a holiday (from work or studies) on those occasions. The first day of January of every year is designated as an official holiday to celebrate the Christian New Year and part of the Christmas service celebrated on 25 December was broadcast by one of the television stations at Baghdad in 1996 and 1997.

91. In addition to the above, the State has provided the Assyrian community with the following forms of support:

(a) A 2,000 m^2 plot of land for the construction of an Eastern Church, the costs of which were borne by the State, in 1986. Four other plots of land were also granted at Baghdad, Kirkuk and Tall Afar and in the Sumail district of the governorate of Dohuk;

(b) A plot of land was donated for the construction of a church, together with two houses to accommodate its priests;

(c) An entire village was set aside for the Assyrians in the town of Sharrafiya where a church was also constructed on 4,000 m^2 of land;

(d) The State donated a plot of land, together with building materials, for the construction of the Assyrian Social Club;

92. The number of churches, monasteries/convents, ministers of religion and nuns in Iraq are as follows:

Number of churches	164	
Number of monasteries/convents	21	
Number of ministers of religion	354	Iraqis
	2	Egyptians
	5	French, Belgian and Swiss
	3	Lebanese
	1	Jordanian
Number of nuns	350	Iraqis
	67	Working outside the country at convents in Rome, Detroit, California, Amman, Australia, Dubai, Sharjah and Syria

E. Concluding comments by the Government of Iraq

93. We wish to make it clear to the Committee on the Elimination of Racial Discrimination that the population of the Marshes in Iraq have no particularities that distinguish them from the rest of the Iraqi people since they belong to Arab tribes that can be found throughout the country. There is not a single family living in the area of the Marshes that does not have family or kinship links outside that area. The vast majority of the population of southern Iraq consists of Arab tribes that have the same well-known customs and traditions.

94. The Arab tribes in Iraq live in urban and rural areas, as well as plains, deserts, and marshes, and their members engage in various occupations dictated by natural, economic and other factors. The fishing and rice-growing occupations in which the population of the Marshes engage are also practised elsewhere in the country since there is no particular area of Iraq that specializes in a specific occupation. Moreover, the Arab tribes in Iraq (including those with branches in the area of the Marshes) are all Arabic-speaking Muslims, wear similar clothing and eat similar types of food.

95. An annex on the political, economic and geographic structure of Iraq is attached to this report.

96. The competent Iraqi authorities are currently studying the amendments that have been made to article 8, paragraph 6, of the Convention and the Committee on the Elimination of Racial Discrimination will be informed as soon as they have adopted a position in this regard.

III. REPLY OF THE GOVERNMENT OF IRAQ TO THE CONCLUDING OBSERVATIONS OF THE COMMITTEE AT ITS FIFTY-FIRST SESSION

97. The concluding observations of the Committee are contained in document A/52/18, paragraphs 255 to 274.

Paragraph 261

98. With regard to the Committee's reference to the report of the Special Rapporteur, Mr. van der Stoel, the Government of the Republic of Iraq wishes to point out that it has already, on more than one occasion, clearly stated its position concerning the reports of the Special Rapporteur, which are characterized by their partial, non-objective and inaccurate information since Mr. van der Stoel's reports are based on uncorroborated accounts and incidents that are too vague to be debated in detail. The allegations that he presents are based on hearsay. This clearly indicates that the Special Rapporteur does not take the trouble to investigate the allegations that he receives, as a result of which his reports are biased and not in keeping with the mandate entrusted to him.

99. The sources used by the Special Rapporteur consist of individuals and groups that are well known for their hostility to Iraq and their links with foreign bodies. Consequently, such sources cannot be relied upon since the allegations that they propagate are untrustworthy, being designed primarily to serve their own interests. For further information, reference can be made to reports submitted by Iraq to the Commission on Human Rights and the General Assembly (A/46/647, A/47/256-S/24061, A/48/387-S/26424, A/48/875, A/49/..., E/CN.4/1995/110 and Corr.1 and E/CN.4/1996/119), in which the true facts concerning the situation in Iraq are revealed to the international community.

Paragraph 263

100. As a result of the ongoing situation brought about by the foreign aggression and military intervention in northern Iraq, the Autonomous Region of Iraqi Kurdistan, comprising the three governorates of Arbil, Sulaimaniya and Dohuk, have been removed from the control of the Central Authority, thereby preventing the population of those governorates from taking part in the popular referendum held on 15 October 1995 to elect the President of the Republic. In that referendum, which was covered by hundreds of Arab and foreign journalists and correspondents of international news agencies and television stations, the Iraqi people freely and democratically expressed their desire, by an overwhelming majority, to elect President Saddam Hussein as President of the Republic of Iraq for a seven-year term of office.

101. All sections of the people, including the Kurds living in governorates other than those in the region of Kurdistan, took part in that popular referendum.

Situation of minorities

102. With regard to Iraq's fulfilment of its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, we wish to assure the Committee that, since 1968, the Government of Iraq has been pursuing a policy different from that adopted by other States of the region in their dealings with minorities. In fact, our policy is based on respect for all Iraq's minorities and our profound belief in the need to ensure their enjoyment of their legitimate rights. Many outstanding achievements have been made in this field and Iraq's accession to the international human rights instruments was an indication of its open-minded response to international endeavours and developments in this connection.

103. The Government of Iraq requests the Committee on the Elimination of Racial Discrimination to specify the articles of the Convention which Iraq has allegedly failed to implement so that this matter can be debated with the Committee. The Government of Iraq also wishes to point out that, in paragraph 260 of the concluding observations, the Committee noted with appreciation the laws and regulations providing for the autonomy for the Kurdish minority and the regulations concerning the protection of the cultural identity of several minority groups in Iraq, including the protection of languages spoken by them. This clearly refutes the allegation that Iraq has failed to implement the Convention.

Paragraph 262 and 268

104. It is astonishing that the Committee made a recommendation, exceeding its terms of reference, on a matter that was not raised during the discussion of the report at the 1203rd and 1204th meetings, namely the recommendation that Iraq should comply with the relevant Security Council resolutions calling for the release of Kuwaiti nationals and nationals of other States who "might still be held in detention". The question of Kuwaiti "detainees" is totally unrelated to the work and terms of reference of the Committee on the Elimination of Racial Discrimination. Hence, the Government of Iraq rejects this recommendation and sees no need to reply therewith, particularly since this matter is being dealt with through the International Committee of the Red Cross. The adoption of this recommendation through a simple vote was, in itself, an unusual procedural step that confirms the political dimension of this recommendation. The underlying purpose of paragraph 262 is questionable since the Security Council resolutions do not contain any provisions concerning the elimination of racial discrimination.

IV. CONCLUSION

105. Under the national programme that the political leadership in Iraq adopted in July 1968 and is still implementing, all the rights of all members of Iraqi society are recognized, regardless of whether they belong to the majority or minorities. This is in keeping with the essence and philosophy of the principles of the human rights instruments concerning the need to safeguard the rights of minorities. In other words, since 1968, the Iraqi State has been wholeheartedly committed to the principles of human rights concerning minorities, as illustrated by the fact that it has not permitted

any legal, economic or social situations to arise in which the majority would be granted rights and privileges that are not enjoyed by the minorities living in Iraq.

106. In order to ensure social harmony and consolidate the national unity of the Iraqi people as a whole, it was necessary to promulgate a number of legislative enactments constituting a reaffirmation of the legislative commitment rather than a guarantee of the rights of minorities since that guarantee already existed while legislation was required as a practical reminder of the real political, economic and social policies of Iraq's political leadership. The true nature and results of these policies needed to be made clear in order to confirm the general political position and allow no scope for malicious carefully planned attempts to undermine the unity of Iraqi society by harping on minority rights.

107. Some Western and other States that are hostile to Iraq are still using the question of minorities and human rights as a means to achieve political aims by engaging in unacceptable interference in the internal affairs of Iraq. Hence, the allegations to the effect that human rights, and particularly the rights of minorities, are being violated in Iraq are, in actual fact, politically motivated and fall within the framework of the struggle between a forward-looking national strategy and the economic and political interests of some Western States in this region.

108. The Iraqi legislation in force, as well as the actual practices in the country, clearly show that Iraq is effectively committed to the rights and limitations set forth in the international instruments that seek to safeguard the rights of minorities, particularly by eliminating discrimination on any of the grounds specified in those instruments. For example, the fundamental principles on which minority rights are based are:

(a) Equal treatment or non-discrimination;

(b) The right to exist;

(c) The right to identity.

109. Any impartial researcher attempting to assess the extent to which Iraq is applying the above-mentioned principles on which minority rights are based would find that it would be no distortion of the truth to say that Iraq has exceeded the standards that those international instruments are seeking to maintain. In fact, a sound legal analysis would show that the "privileges" to which those minorities are legally entitled, and which they actually enjoy, in Iraq far exceed those granted in other, and particularly neighbouring, States.

110. In the light of the above, we can infer that the allegations concerning violations of human rights that are currently being made against Iraq by some Western regimes which have taken advantage of some United Nations institutions in order to turn public opinion against Iraq, particularly in regard to the rights of minorities and religious communities, are expressions of politically motivated hostility and a desire to interfere in Iraq's internal affairs on the pretext of protecting and safeguarding minority rights, as is currently happening in northern Iraq.

111. The laws and legislation that the Government of Iraq has promulgated to safeguard minority rights, to which reference has been made in this report and also in Iraq's eleventh, twelfth and thirteenth periodic reports, refute and invalidate the allegations that have been made against Iraq. It can therefore be concluded that some Western regimes view the question of minorities as a purely formal, tactical procedure that is far removed from the fundamental essence of the question since it is being exploited solely in an attempt to interfere in Iraq's internal affairs in order to further certain political interests.

List of annexes

1. The political, economic and geographic structure of the Republic of Iraq

2. Impact of the economic embargo on the Iraqi people

3. The principal development changes and the magnitude of investment appropriations in the Autonomous Region during the period 1970-1990